

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

ROSAURA LOPEZ GONZALEZ

DEBTOR(S)

CASE NUM.: 09-09124 SEK

CHAPTER 13 (ASSET CASE)

DEBTOR'S OBJECTION TO AMENDED CLAIM #2-1 FILED BY
R & G MORTGAGE CORPORATION

TO THE HONORABLE COURT:

COMES NOW debtor represented through its undersigned counsel and respectfully, alleges and prays :

Pursuant to Rules 3001(d)& 3007 F.R.B.P., debtor herein submit an opposition to the claim #2-1 filed by R & G Mortgage Corporation based on the following grounds:

1. RG Mortgage Corporation filed claim #2-1 from which according to the Certification debtor has pre-petition arrears from 06/01/09 through 10/01/09 allegedly five (5)months, two (2) for \$742.00 and three (3) for \$75.00 for a total of \$3,761.00, five (5) late charges of 35.91 for a total of \$179.55 for a subtotal which allegedly "accrues interest" of \$3,940.55. Also eleven (11) inspections at \$15.00 each for a total of \$120.00 and delay charges accrued of \$165.00. Attorneys fees of \$1462.00 for a total of \$5,827.78 dollars.

2. A review of the docket in the instant case shows that R&G Mortgage's intervention is limited to the filing of a proof of claim #1 (See claims registry 1-1)

3. The charge of \$1,462.00 for attorney's fees is herein objected on the grounds of that preparation of a proof of claim is purely ministerial act for which no attorney's fees should be charged against a debtor. ***In re Allen*** 215 B.R. 91 (Bkrptcy. N.Y. Tex 1997)

4. Moreover, the filing of claim by R&G Mortgage Corp. in a case like this one, where its secured status has not been questioned is simply irrelevant as pertains the administration of the estate.

5. As for the charge of eleven (11) inspections at \$15.00 each for a total of \$165.00 is also objected due to the fact that there is no evidence of such inspections.

TAKE NOTICE: Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the objection will be deemed unopposed and may be granted unless: (1) the requested relief is

forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise. If you file a timely response, the court may - in its discretion - schedule a hearing.

WHEREFORE debtor respectfully requests of this Honorable Court to grant the present OBJECTION, therefore Claim #2-1 filed by R & G Mortgage Corporation to be deemed amended to pay five (5) pre petition a arrears for a total of \$3,940.55 pursuant claim number 2-1 and disallow the request for attorney fees and the request for inspections.

In San Juan, Puerto Rico, this 3rd, day of December, 2009.

I HEREBY CERTIFY: That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Chapter 13 Trustee *Jose R. Carrion*, Esq., US Trustee **Monsita Lecaroz Arribas**, **Jorge A. Rodríguez Fraticelli** and to R & G Mortgage Corporation to their address of record and I hereby certify that I have mailed by regular mail to all creditors listed on the Master Address List.

RESPECTFULLY SUBMITTED.

/s/ Marilyn Valdes Ortega
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Label Matrix for local noticing
0104-3
Case 09-09124-SEK13
District of Puerto Rico
Old San Juan
Tue Dec 1 15:31:45 AST 2009

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INTERNAL REVENUE SERVICE
MERCANTIL PLAZA BLDG, ROOM 1014
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SAN JUAN, PR 00918-1693

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) LOPEZ GONZALEZ, ROSAURA

(d) RG MORTGAGE CORPORATION
c/o WALLACE VAZQUEZ SANABRIA
17 MEXICO STREET, SUITE D-1
SAN JUAN, PR 00917-2202

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